

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CANDACE ISAACSON, also known as)	
CANDACE ADAMS,)	
)	Case No. C09-1251-RAJ-BAT
Plaintiff,)	
v.)	REPORT AND
)	RECOMMENDATION
MICHAEL ASTRUE, Commissioner of the)	
Social Security Administration,)	
)	
Defendant.)	

Plaintiff Candace Isaacson brought this action to seek judicial review of the denial of her application for Social Security benefits by the Commissioner of the Social Security Administration. Dkt. 6. The Commissioner has requested voluntary remand of this case for further administrative proceedings under sentence six of 42 U.S.C. § 405(g). Dkt. 15. Plaintiff has not responded to the Commissioner's request.

Sentence six of 42 U.S.C. § 405(g) provides that the district court "may, on motion of the Commissioner of Social Security made for good cause shown before the Commissioner files the Commissioner's answer, remand the case to the Commissioner of Social Security for further action by the Commissioner of Social Security." In sentence-six remands, this Court retains jurisdiction over the action pending further administrative development of the record. *See Melkonyan v. Sullivan*, 501 U.S. 89, 101-02 (1991). The Commissioner asserts that good cause

1 for remand exists in this case because plaintiff's claim file and the recording of the hearing before
2 the administrative law judge have not been located. The Commissioner further asserts that
3 plaintiff's former attorney has agreed to forward all documents relating to plaintiff's claim to
4 counsel for the Commissioner, but has not yet done so.

5 The Court finds that the Commissioner has shown good cause for a sentence-six remand.
6 Accordingly, the Court recommends that the Commissioner's motion for remand be **GRANTED**
7 and this case be **REMANDED** to the Commissioner for further administrative proceedings. On
8 remand, the Appeals Council shall attempt to locate the missing claim file. Additionally, counsel
9 for the Commissioner shall forward to the Appeals Council any case documents received from
10 plaintiff's former attorney. The Appeals Council shall then determine if the file is complete. If
11 the file is complete, the Appeals Council shall prepare a certified administrative record. If the file
12 cannot be located or the Appeals Counsel determines that the file is not complete, the Appeals
13 Council shall remand the case to an administrative law judge for a de novo hearing. The Appeals
14 Council shall have **90 days** from the date the order in this case is signed to either prepare a
15 certified administrative record or remand the case for a de novo hearing. This Court will retain
16 jurisdiction over the case. If the outcome of a de novo hearing is unfavorable to plaintiff, she may
17 seek judicial review by reinstating this case, rather than filing a new complaint.

18 A proposed order accompanies this Report and Recommendation.

19 DATED this 14th day of May, 2010.

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22 BRIAN A. TSUCHIDA
23 United States Magistrate Judge